

## Koehn, Alayna

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**From:** Dykstra, Russell W. <RDykstra@spencerfane.com>  
**Sent:** Tuesday, June 10, 2014 11:27 AM  
**To:** Schueler, Carl  
**Cc:** Ralph Braden  
**Subject:** RE: Draft BID Model Budget and Operating Plan

Carl,  
We have reviewed the BID Operating Plan draft and the only comment we have is on page 1 of the redline, Section A, 3<sup>rd</sup> paragraph. We have discussed this previously and it is difficult, if not impossible, to get bond counsel to agree with the provision that the District is limited by changes (“...as may be amended from time to time.”) in the City’s special district policy. If a BID issues bonds pledging 20 mills, the next year the City could change its policy to say a BID can only levy 10 mills. By having it state that it is limited by the Operating Plan and City policy it makes operations unpredictable and severely impacts the Districts’ ability to issue bonds.

I would recommend that this paragraph be re-written as follows:

“The District operates under the authorities and powers allowed under the Business Improvement District Act, Section 31-25-1201, *et seq.*, Colorado Revised Statutes, this Operating Plan and the City of Colorado Springs Ordinance authorizing and creating the District.”

This language provides a fixed set of “rules” that can be relied on for bond issuance.

Likewise, the next paragraph should refer back to the ordinance creating the District, not Policy.

One other request, please remove the contact information of the individual board members and consultants from the Exhibit A before it is sent around again.

Please feel free to contact me with any questions or concerns and thank you for taking this project on.



**Russell W. Dykstra**  
Attorney at Law

1700 Lincoln St  
Suite 2000  
Denver, CO 80203-4554

[rdykstra@spencerfane.com](mailto:rdykstra@spencerfane.com)  
*Add me to your address book*

(303) 839-3800 (Main)  
(303) 839-3838 (Fax)  
(303) 839-3845 (Direct)



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**From:** Schueler, Carl [mailto:cschueler@springsgov.com]  
**Sent:** Friday, May 23, 2014 4:00 PM  
**To:** Carter, Mary L.; Dykstra, Russell W.; Susan Edmondson; Tim Flynn; Jacque Stanley  
**Cc:** Ann Nichols (Anicholsduffy@aol.com); Cope, Bob; Davis, William T (CSU); Garcia, Erin; Haley, Britt; Johnson, Sarah B.; Landeck, Sheri; Larsen, Larry; Lieber, Christian; Moore, Charae; Murray, Mary; Peters, Tracy; Powell, Bill W.; Schubloom, Brent (CSU); Ralph Braden (rbraden@nor-wood.com); (PSUSEMIHL@SMMCLAW.COM); Dalton, Matthew R.; Gonzalez, Eileen; Moore, Charae; Skinner, Kara  
**Subject:** Draft BID Model Budget and Operating Plan

## Hello All

- Folks who submit City of Colorado Springs BID Budgets and Operating Plans at this time
- Special District Committee members
- Others who might be interested

## What and Why

-My attempt to come up with a standard template BID Budget and Operating Plan as requested by City Council. The City has never had a standard template for these plans and budgets.

## How

-I took the predominant current version (provided by Spencer, Fane & Grimshaw -Thanks!) and suggested some major changes in track changes format

- All of the language in brackets [ ] is there for explanatory purposes

## Approach

-Unlike with metropolitan districts, which have a Model Service Plan that functions as a 'standard contract' my suggestion for BIDs is not to be as legal and rigorous and focus more on answering questions and providing information in consistent format. This is in part based on the fact that both parties (the District and the City) get an annual 'bite at the apple'. We have operated effectively without a fully legal annual document in the past, and I am assuming we can in the future.

## Next Steps (assuming there is no insurrection)

- 1) Statements of interest in further participation (Please let me know if you are interested in further participation or would like to defer to others)
  - a. Please also forward to anyone else who might be interested
- 2) Initial Comment Period (I would suggest we set aside a month of so for initial comments) due by **June 20<sup>th</sup>**
- 3) Stakeholder/ Interested Party Meeting (end of June, early July)
  - a. With offsite call in option
- 4) Finalize any changes and prepare for City Council work session **July 21, 2014**
- 5) Formal action by City Council on **August 12, 2014**
- 6) September 1, 2014 - 2015 Budget and Operating Plans due to City
- 7) October 2014- Plans introduced to City Council and then acted on at a subsequent meeting

This schedule leaves little leeway for City Council continuances. However, City Council has the discretion in any case as to whether make a change or not make a change this year.

Thanks

Carl Schueler, AICP, Planning Manager- Comprehensive Planning  
(719) 385-5391  
[cschueler@springsgov.com](mailto:cschueler@springsgov.com)

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***Spencer Fane Britt & Browne LLP***